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19 October 1954

OGC Has Reviewed

MEMORANDUM FOR: The Record

SUBJECT : Payment of Territorial Differential and Per Diem

25X1A

1. I provided [redacted] with the following information verbally today in answer to his request by memo dated 11 October 1954, in which he asked whether it was permissible to pay territorial differential and per diem concurrently.

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2. After conversations with his contact in GAO, [redacted] informed me of the following: After a decision by GAO that foreign post differential and per diem could not be paid concurrently in the case of an individual who went to South America (apparently on TDY) and for whom post differential was sought after he died 30 days later, the Foreign Service, with the concurrence of GAO, established the so-called "60-day" rule which, in fact, permits the concurrent payment of foreign post differential and per diem provided there is an intention to keep the individual in the foreign area for 60 days or longer. This would appear to eliminate any distinction between TDY and Detail, and presumably payment could be made either from the time of his arrival overseas, or, in the case where the intention was not clear at the beginning, if the individual did, in fact, remain overseas for 60 days or longer. The Civil Service was advised of the rule, presumably with the implicit suggestion that they adopt it. However, they took no action and the initial ruling which makes the payment of per diem and post differential inconsistent still maintains for the territories and possessions.

25X1A [redacted]
Office of General Counsel

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